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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,323

03/29/2004

Ichiro Mitsuyoshi

P/1250-271

5119

2352 7590 03/30/2007
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EXAMINER

HERRERA, JENNIFER

ART UNIT

PAPER NUMBER

3652

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/813,323	Applicant(s) MITSUYOSHI, ICHIRO	
	Examiner Jennifer P. Herrera	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on February 15, 2007 of the claims and drawings have been entered into record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlov in view of Mages. Perlov teaches a substrate processing unit 10 in column 2, lines 57-61, a substrate transfer unit 24 in column 2, line 67 and column 3, lines 1-6, a mounting part 58 in column 3, lines 49-53, a first and second shelf lines in column 4, lines 16-23, and a transport element 76 in column 4, lines 32-39. Perlov does not teach the displacement element vertically moving one shelf of the plurality of shelves. Mages teaches the connection 17 and 18 of the displacement element 4 of said plurality of shelves and second shelf line in column 4, lines 61-67 and column 5, lines 1-5. Mages also teaches an independent displacing mechanism in column 4, lines 61-67 and column 5, lines 1-5 and lines 16-28. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add the displacing element of

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Mages to the device of Perlov to allow independent movement between shelves and maximize the transportation of the substrate while minimizing the restriction of rigid parts.

2. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlov in view of Mages as applied to claims 1-3 above, and further in view of Yamada.

a. Regarding claim 4, Perlov teaches the ability of having different amount of shelves as well as shelf lines in column 4, lines 16-23. Perlov and Mages do not teach displacement capable to range within the height of the first shelf line.

Yamada teaches the displacement of the second shelf line within the height of the first shelf line in paragraph 0017 and in lines 1-8 in paragraph 0060.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add the displacement movement of Yamada to the device of Perlov and Mages to provide a function of a greater range of movement of the second shelf line while keeping the space provided in the clean room in mind.

b. Regarding claim 5, Perlov and Mages do not teach displacement corresponding to the second predetermined interval. Yamada teaches the displacement corresponding to the second predetermined interval in paragraph 0017 and in lines 1-8 in paragraph 0060. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add the displacement of Yamada to the device of Perlov and Mages to insure the use of the device for the infinite number of sizes and shapes of substrates.

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer P. Herrera whose telephone number is (571) 272-6269. The examiner can normally be reached on 0830-1700 hrs Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JPH
3/27/07


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER